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THE INDIVIDUAL CONSCIENCE AND THE LAW.¹

EMILE BOUTROUX.

THE question before us seems to many minds to have been clearly and definitely answered long since. Conscience and law! were not their respective positions marked in indelible characters when the words were uttered: Render unto Cæsar the things that are Cæsar's and unto God the things that are God's? Conscience has its own domain, the wholly interior world of beliefs and thoughts, feelings and wills. In that domain it is sole mistress; it is amenable only to the powers that it accepts. Around this domain rises a wall of brass which no external power has the right to break down, and which, indeed, no force can really undermine. In theory, even in reality, as a final resort, conscience is inviolable. Outside the sanctuary of conscience, however, stretches the region of the outer life, of manifestations and actions. Here, law is sovereign, quite as independent of conscience as this latter, in its own realm, is independent of law. There are two worlds and there are two empires; nothing could be clearer or more logical than this economy of the universe.

In practice, however, we encounter difficulties. The system is based on the radical distinction between thought and action: the latter wholly material and exterior, the former wholly interior and spiritual. What, then, is to be said of the written and the spoken word? What is to be said of instruction? Are these simply thoughts, or are they, even now, acts, and, as such, subject to law? The difficulty is solved by endeavouring to find out, in each given case, whether the fact resembles more closely a pure thought or an external manifestation. Nature indeed always offers

¹ A lecture given at the École des Hautes Études Sociales, November 7, 1905. Authorized translation by Fred Rothwell.

intermediate forms between two genera, however distinct from each other these may be. Yet the difficulty of classifying these forms does not prevent the naturalist from maintaining the distinction between the genera.

Such, unless I am mistaken, is what may be called the classic doctrine as regards conscience and law. It is principally shown in the peculiar importance attributed to tolerance, which is regarded as the first of duties, the essential virtue of modern societies.

Is it quite certain that this famous doctrine is at the present time as firmly established as it seemed to be? Certain formulæ, now in considerable vogue, might make us suspect that such is not the case. For some time past, the question of the necessity of insuring the moral unity of the nation, and of the task, incumbent on the state, of establishing this unity, has frequently been raised. We are told that democracy has both the right and the duty to institute a system of moral beliefs and to impose this by any means calculated to create in men's souls something equivalent to religious beliefs. We read that only free consciences, *i.e.*, consciences freed from religious beliefs, have the right to claim freedom of conscience; for we cannot expect to retain what we have not got, and it is precisely in the formation of such consciences that the task of democracy consists. This doctrine comprises, strictly speaking,—so we are assured,—rational liberalism, which must not be confounded with empirical liberalism. The conclusion reached is that, in the matter of tolerance, to maintain that all sincere beliefs are deserving of respect, is either cowardice or foolishness.

True, on the other hand, we frequently hear such aphorisms as: Be thyself, there is no other law. The object of life for every man is and can be nothing less than the entire realisation and emancipation of his individuality (*freie Individualität, Entwicklung und Ausleben seiner Individualität*). All constraint is humiliating, all pledging of one's word a falsehood. What right has society, which is composed of men like myself, to impose on me its conven-

tions, prejudices and routine, in which I, for my part, see nothing but documents dealing with the past?

It would seem that, either in one direction or in the other, we are moving away from the dualistic doctrine which attributed a distinct function to each of the two principles; and that, in both cases, there is a tendency to absorb the one of the two principles in the other. If such doctrines really find credit nowadays, it would be advisable to enquire what are the claims of the classic doctrine of dualism, in order to see if it is capable of overcoming the attacks to which it is exposed.

I.

This doctrine was based on a certain number of postulates, which, in these days, seem to be greatly compromised.

In the first place, the self was regarded as a real and distinct entity. It was because it was thought to exist separately that it was declared to be inviolable.

At the present time, its separate existence is disputed. Our thoughts, says contemporary psychology, are not those barren virgins imagined by classic dualism, bringing to birth only when united to some extraneous agent. They differ from acts in degree, simply, and, of themselves, are already big with action. They *are* the very act, which begins, assumes form, and tends to display itself in all its amplitude. Alone amidst surrounding obstacles, other thoughts, stronger, keener, and of a more encroaching nature, inhibit and keep in a state of tension the thoughts that appear inert. There is no reason, then, once we allow that the state has a right over actions, to withdraw thoughts from its province. We might as well say that the doctor has the right to combat disease only when the patient is beyond hope of recovery, and that he is departing from his rôle if he attacks the evil at its origin. In the same way, no thought has the right to proclaim itself innocent. When, shut up in my room and apparently thinking all alone, I allow my imagination to dwell on certain conceptions, ideas or dreams, I am really working to create within

myself certain habits, tendencies, laws of judgment and action which, sooner or later, will be represented in effects. One cannot do evil in thought only.

Thus, thought, conscience, the self is not a separate and wholly spiritual reality. Is it even a reality at all? Those psychologists who set up the philosophical foundations of classic dualism did not consider the relation between the conscious and the unconscious, they neglected the enormous share of the latter in the content and the conditions of existence of the former. The self was brought before the mind as a well defined and circumscribed subject, which possesses and knows itself, which is complete, potentially at least, in its entire scope, and which in all its acquisitions or modifications, remains itself throughout its entire existence. The study of the unconscious, however, has upset this psychology. The conscious self is no longer anything more than the contingent explosion of some of those forces, the whole of which constitute the subconscious, the true self; an extreme degree of tension has transformed these potential energies into living forces. What we call our convictions, conscience, personality, is but the mechanical result of a work that has been brought about apart from this personality itself, in the depths of the unconscious.

There, unknown to us, the organic influences, imitation, suggestion, auto-suggestion, are at work. Instinct or passion, acquired habits, the influence of a certain person, the spell exercised by some particular formula, all these decide us; we passively suggest to ourselves a certain belief or conviction to which we afterwards point as the sincere and spontaneous expression of our individual conscience; we imagine this belief to be our own work because of our tenacious hold upon it. Now, how can we regard as inviolable and sacred a conscience that is but a psychical illusion, a reflection, an epiphenomenon, devoid of substance and efficaciousness alike? The classic doctrine owed its semblance of consequence only to the realisation of an empty abstraction.

A second postulate underlying it in men's minds was the principle of the *contrat social*, that there belongs to the individual as such "an absolute and naturally independent existence." Conscience, whatever it was in essence, was connected with the individual as with a distinct reality. Society was regarded as consisting of such individuals, aggregated from without, somewhat like the atoms of Epicurus in the worlds pictured by this philosopher. A doctrine, however, put forward by Pierre Leroux, Renouvier, and recently advocated by M. Léon Bourgeois, a doctrine, moreover, in harmony with the most solid results of sociological investigation, namely, the doctrine of solidarity, as it is called, shows us the individual depending, in all things, on the collectivity of which he forms part. *Quid habes quod non accepisti?* said Saint Augustin. Nowadays we are shown that the individual owes to society all he possesses, even all he is. Whence do I obtain not only my knowledge and the things by which I live but also the very principles in which I take pride, the convictions and feelings that constitute my self, if not from the endless toil of so many generations that have gone before? Is it I who think, or is it a portion of mankind that thinks in me? My rôle, if I have one, is that of a drop of water in the ocean. How foolish, then, to regard the rights of society on the one hand, and those of the individual on the other, and then to declare that these respective rights are counterparts of each other, that they constitute two mutually impenetrable spheres of activity!

Finally, I will mention a third postulate, perhaps the very bed-rock of the dualistic doctrine. In the civilisation which united the Jewish-Christian religion and the Hellenic philosophy, there grew up a theory of knowledge which distinguished between belief and science, regarding them as irreducible and alike well-grounded in their principles. Science, it was held, relates to the beings of the visible external world; belief is concerned with the interior and spiritual life, the strict objects of consciousness. According to this theory, it is the province of law to regu-

late everything in human life that relates to the external world, the domain of science. But it is both absurd and impossible for the law to lay down beliefs, which are not based on any compelling reason, and exist only if they are free. This distinction between belief and science was systematised by Descartes, Locke and Leibnitz; it constituted the basis of Kant's famous system. It was very definitely manifest in Herbert Spencer's theory of the Unknowable and lo! science now regards itself as capable of abolishing it. Extending its conquests ever farther and farther, it breaks down the barrier that a simple faith had erected between the exterior and the interior, the physical and the moral, the knowable and the unknowable. Relying on the progress it has made, the conception it has formed of the universe and of the conditions of knowledge, it declares that henceforth nature has no more mysteries for it, that, in theory if not in fact, everything is dependent on science and its methods. For the present, unknowable can signify nothing else than unknown. Belief is nothing more than ignorance and prejudice. Now, is there any freedom of conscience in arithmetic, mechanics or physics? And if every class of reality is knowable in the same way as the relations between numbers and the change of bodies, where could freedom of conscience legitimately find its place? Has ignorance any right in the presence of science, or error in the presence of truth? When brought in contact with the man of science the believer, *i.e.*, the ignorant man, has but one right, or rather duty, that of acquiring knowledge. Things are divided into two categories. First, there are those which science has claimed as her own and of which she is sovereign, pure and simple; and secondly, there are those but imperfectly known so far, and the rule regarding which, in so far as practice demands immediate decisions, lies only in the inductions drawn, as scientifically as possible, from the results actually attained by science.

Thus the various postulates on which the doctrine of the mutual independence of conscience and law was based, appear involved in one common downfall. The law, as

the expression of the will of society, of its needs and spirit, of the science that is its product, and of the ends at which it aims in conformity with this science, would appear to have every right to govern not only the deeds but also the thoughts of individuals, so that it may inculcate in the latter, by education and all appropriate means, the habits, the feelings, and the form of conscience and of autonomy best calculated to realise the social goal, as determined by society. The end of this evolution would seem to be the absolute subordination of the individual conscience to the law.

II.

This tendency exists in present-day society, nor is it the only tendency influencing men's minds. As though contraries attracted each other, it finds over against it an opposing tendency. How comes it, say the representatives of this latter, that there is a reluctance to recognise the reality and the superior rights of the individual conscience? From the fact that the condition of this reality is regarded as existing in a self which is conceived as a "substance," that is permanent, fundamental, and independent of time and space. This self, indeed, is an idle fancy which must be left to the metaphysicians of another age. We, however, have nothing to do with such a self—which, in truth, is not a self at all, but is rather a transcendent, unknowable entity,—for the purpose of affirming our existence as individuals and claiming our freedom of conscience. All that is needed is to invoke the self that we feel and know and are at every moment of our conscious life. This self, indeed, is changing and transitory, shallow and without foundation, it may be, but what of that? It is real—everything that is most real, so far as we are concerned—the only thing that unquestionably is. Compared with this immediate present self, all else is but abstraction and hypothesis, a more or less artificial and unsubstantial fabric of our imagination and understanding. I live, I will, I think, I enjoy and suffer: what reality could blot

out that reality? What reality, for me, is not involved in that?

But then, it will be urged, in this very self which is immediate and irreducible reality, analysis detects two elements, one, exclusively individual: sensation, the instinct of preservation and of development proper; the other, which, in the individual himself, supplies a basis for society, namely, the aspiration to reason, to freedom, and to personality, and that can be realised only by participation in a community, by obedience to social laws. In order that the individual may be fully actualised, the lower part of his being must obey the higher part, *i.e.*, in a word, he must subordinate himself to society and to the law.

This is antiquated psychology, the individualist of whom I am speaking will answer. It is erroneous to say that there are, in the self, two distinct regions, one lower and the other higher. We have reduced this would-be higher to what you call the lower. We have shown that there is in feeling a simple mechanical development of sensation, and in reason a differentiation of instinct. The self is one, and it is its motor and sensible faculty, not its reflexive and intellectual processes, that forms the real, permanent basis of its nature.

But if we find in it elements not immediately reducible to this natural substratum,—and such, as a matter of fact, are many social or religious beliefs,—they may be explained by the part that tradition, habit, and routine play in the formation of our conscience. The commandments of Jehovah, unknown to ourselves, give us the idea of duty and obligation. From the ancient blending of religion and politics, there has remained in us the idea of a law based on justice and invested with the most sacred character. Vain survivals of a dead past! Crushing heritage from which it is time to free ourselves!

Es erben sich Gesetz' und Rechte
Wie eine ewige Krankheit fort.

What then, in short, is the true essence of the self? To one who is free from prejudice and observes man scientifically as plants and minerals are observed, this essence is nothing else than the need of independence and emancipation, of the possession and free disposal of oneself. All else goes against his nature and makes him unhappy, because it offers violence thereto. Not only is man incapable of understanding how he could be held bound to eternal engagements, seeing that he lives in time; but, considering that, for him, the only reality is his present self, from which his self of the next moment will perhaps differ entirely, he rejects wholesale every kind of engagement, whether for the whole of life or for a day; he feels he is in possession of his self only if this latter, at each moment, remains his in its entirety, for at each moment it is an indivisible; he is conscious of being wholly himself only when he can unfold to the full his powers of emancipation and independence.

This method of looking at things, when dealing with the laws, results in an attitude which is the opposite of that which we previously observed. The man of whom we are now speaking will not refuse in practical life to conform to the laws, but he will deliberately look upon them as means, whereas the independence and spontaneous development of his self will constitute his sole end. He will gauge the value and authority of the laws according to their fitness to bring about this result, nor will he hesitate to regard as intolerable those which he considers to have been framed in a different spirit. In any case, he will regard the system of legal constraint, as well as that of religious constraint which remains its foundation, only as a more or less provisional mechanism, which the advance of enlightenment and organization must tend to render useless and to abolish.

III.

We see from what has just been said that the minds of men nowadays are turned in very different, even in opposite, directions. Some continue to restrict more and more the independence of the individual conscience in order to

offer wider scope and influence to society, state and law. Others are all the time endeavouring to reduce the social community to an instrument for the individual's emancipation and autonomy. When, therefore, we find both these types of mind invoking science in their favour, basing their claims upon history, and maintaining them with like conviction and energy, we might almost imagine we were dealing with an insoluble antinomy, where force alone is to decide the victory.

The precision of claims, however, the frankness of opposition and the violence of conflict, are not invariably sure symptoms of the real field of dissent. How many apparently irreconcilable oppositions the past has seen, oppositions which, at the present time, we cannot understand! It has always been the custom of human beings to begin by saying: "He who is not for me is against me," and to try to discover enemies in those nearest to them. The more points of contact we have, the more occasions for friction. But time frequently tones down these would-be contrasts by raising up others, which, in turn, are at first looked upon as absolute and ultimate. See what has become of the classics and the romantics: they imagined themselves at the opposite poles of art, but at the present time the only distinction between them is the unequal expansion afforded to the divers elements of one and the same whole. It is the same with the political parties: they hurl anathemas at one another. In many instances, however, posterity will find them on the same platform, disputing about words rather than about things.

Words form the battle-fields of stern and desperate encounters; they constitute the food that keeps them alive.

Mit Worten lässt sich trefflich streiten.

Words create the standards of war, the close, serried ranks of combatants. They are symbols of logic, or rather of that syllogistic and abstract dialectic which, indeed, would not exist without them. It is words that give a syllogism those definite, close, immutable concepts, which

form the condition of its interplay of inclusion and exclusion.

Hence might it not happen that the contrast in question should be specifically determined by the somewhat logical and verbal manner in which these questions are generally treated? Consider the present conditions under which ideas are worked out in political and social life. Most of the time is spent in discussion during meetings and conversations; speeches are delivered and articles written in journals and magazines, for the purpose of producing an immediate effect. What is our criterion in these brilliant wordy tournaments? This criterion is and can be nothing else than the principle of contradiction. Logic alone is the same for all; it alone supplies immediate and decisive arguments with which to overthrow the adversary. Its victories, however, are frequently as ephemeral as they are brilliant, and many a principle which it has crushed for an indefinite period is now alive and strong. The reason is that there is another logic than the strict logic of concepts; there is the logic of life and reality, nature and reason, in the full and concrete sense of the word. Whereas dialectic demonstrates, with the easy clarity of its spatial language, the reciprocal impenetrability of the one and the many, the identical and the different, nature delights to combine them in her creations. To understand how freedom and duty can be associated, how a subject can be both his own master and obedient to a law, how a law can be, at the same time, necessary, and yet subordinate as regards its realisation to the caprices of individuals—this is a desperate problem with which logicians are confronted. But in the will of a right-thinking man, however ignorant he may be of logic, freedom and duty form only one. Pascal gloriously demonstrated how it is possible for man, with utter freedom and unyielding will, to love perfectly and freely what he is bound to love necessarily.

Now, what would happen if we applied to our subject, not abstract logic which descends from concepts to realities,

but rather concrete and living logic which proceeds from being to concept, from realities to relations?

The first thing to do, when following such a method, is to ask ourselves if we are dealing with things that live and really are, that tend to subsist, to continue in being. In duly ascertained being, there is a value that is willingly recognised by a reason free from the prejudices of abstract logic. In destroying that which is, there is always a degree of temerity. The method required by the desire to attain effective perfection is the preservation and growth of being. *Ens perfectum, ens realissimum*: such was the doctrine of Leibnitz.

Now, both of the principles we are considering strongly testify to their vitality. Law, the expression of the collective will of societies, has become endlessly diversified, adapting itself to the beliefs, the geographical, economic and historical conditions, and the ends pursued by different states or communities. It has none the less preserved its essential characteristics: universality, obligation, and sanction. Being abstract and impersonal, it is imposed on all citizens alike; and, though admitting of numberless varieties and changes, it claims, at all times, in its actual form, absolute respect and obedience.

The individual conscience did not set forth its claim to existence and inviolability as soon as did the law. The ancients, for the most part, cared little about it. And yet, in such men as Socrates, Saint Paul, and Luther, it definitely manifested its power to be and to continue in being. At the present time it constitutes one of the most vivid realities with which we are brought face to face, and the man who means to respect what is before decreeing what ought to be, will look upon freedom of conscience as one of the essential conditions of political order within our modern societies.

Individual conscience and civil law: two living realities, therefore two beings in favour of which there is a presumption of justice.

These two powers, however, as they develop, impede and embarrass each other; the pages of history are filled with

their struggles. It is not advisable to drive to extremes the horror of strife. There is something more to be dreaded than war, and that is peace purchased by the extinction of life and justice: *ubi solitudinem faciunt, pacem appellant*. War is not only legitimate, it is fine and noble when waged for the sake of human dignity, justice, truth, and virtue, in order to win for them a right to existence. By their mutual struggles, the individual conscience and the law have been respectively developed and strengthened. It is as a reaction against social oppression that the individual conscience has been awakened and has become powerful; for freedom, in this world, insists on being won: its true name is enfranchisement, and when it comes to be, it continues in being only through repeated conquests. War is not an accident in nature; it results from the fact that existence implies self-assumption, self-defence; there is only one way of giving up the struggle, and that is by disappearing altogether.

Nevertheless, it is impossible for man, a reasonable being, to look upon war as a solution; war can be no more than a natural phenomenon which has its part to play in the creation and development of human energies, but which must be utilised in view of some higher purpose. This purpose or end is the ever-increasing realisation of human dignity. With this in view, reason aims at transforming adversaries into co-workers. What will be the judgment of reason as to the respective value and rôle of conscience and law, which it finds set up as facts and as powers frequently opposed to each other?

It is unnecessary to enquire which, of these two powers, should be an end and which a means. Both alike are ends in themselves.

The law, regarded as the very spring of civilisation and humanisation, was a principle in the eyes of the ancients. Throughout its many transformations, it has remained a principle. Whatever the origin and object attributed to it, it possesses one characteristic which renders it incapable of being reduced to the will of individuals as such: and that

is universality. It is the same for all, imposing on each person such conduct as is in conformity with the common good. It is the expression of a social order. A society, in any case, can never be simply the external, mechanical juxtaposition of individual atoms.

Again, the individual conscience is also an end in itself. To regard it as a means is to deny it. The greatness of a Socrates, a Luther, and a Pascal consists in having sought after truth with an absolutely free conscience, determined, as far as it could, to acknowledge no other law than the evidence imposed on it.

If conscience and law are two ends in themselves, does it follow that they must develop along parallel lines, without interfering with each other? or again, admitting that they belong to one and the same world, must they be content with a system of mutual limitations and compromises?

Such a system can be nothing else than an expedient, a last resource; for the individual conscience and the law are not only irreducible opposites; they are even inseparable from each other. Their mutual interpenetration is the condition of their respective development.

Law presupposes conscience; for, whether its aim be justice or utility—which, assuredly, differ only in appearance, as the ancients said—it has in conscience its original source, its supreme judge, its principle of life and of amelioration. Its prescriptions or commands, which nowadays appear before us as legal articles of the most abstract and precise nature, were at first individual and impermanent feelings and thoughts. And it is important that they should constantly be confronted with the living consciences of individuals, if we would not have them degenerate into scholasticism and routine. For such is the natural tendency of human institutions; they become detached, as it were, from the mind that gave them birth, and along the lines of an altogether formal logic become defined, systematised, and stereotyped, as though of themselves, into rigid, fixed forms. They then assume the imposing aspect of immutability, but as they remove farther and farther away

from man, who is ever investigating and changing, they finally lose their spiritual significance and, becoming reduced to empty formulæ, cease to serve any useful purpose. It is by incessant contact with minds that are consciences, that the law remains concrete and living, capable of modification and amelioration.

On the other hand, the individual conscience cannot do without the law. It is idle to imagine a conscience capable of developing alone. No sooner does man claim to have transcended animality, than he has to make use of words, concepts and rules, consequently, of those abstract generalities of which law is the *résumé*, the most authoritative expression. From this condition no one can free himself; if a conscience could be strictly independent and individual, it would really be no more than a thought, abandoned to the hazards of extraneous suggestions, or of autosuggestion, which differs therefrom only in appearance. And just as the conscience realises itself only by working upon ideas, traditions and laws, so it cannot develop by regarding itself as its sole end. The work that fortifies it and confers on it true originality, consists in the effort to fathom the origin, signification and value of laws, in order to resolve them into itself, to criticise and improve them. There is a remarkable affinity between the strictly human conscience and the law. By making the law its study, the conscience is awakened; its work is to create laws. We know that Kant purposed to realise within himself the autonomy of the conscience in all its fulness; he found satisfaction only by imposing on himself stricter laws than the ordinary ones. It is by relying on the law that we make ourselves capable of transcending it; it is by laying down a law that is more universal, just and moral, more worthy of the name of law, that the conscience becomes more noble and free.

Hence it follows that, on the one hand, the law cannot stifle the individual conscience without being changed into a blind, despotic force: the more it guarantees the life, expansion and unfoldment—even though it be audacious

and venturesome—of the individual conscience, the more rational, living and capable of progress will it be. On the other hand, the conscience cannot, without forswearing itself and being reduced to a state of isolation and impotence, either disdain or regard as purely external aids those laws that have supplied it with the fixed centre which its rational development needs. It is not in a spirit of transcendent disdain, but rather with the firm conviction of all there is of goodness and truth in the law, even though it sometimes expresses itself in unjust measures, that Socrates acquiesces in the death sentence pronounced against him according to the laws of his country. He hears these laws saying to him: To act as though thou wert on due equality with thy country and with the laws, to return them wrong for wrong, blow for blow, to attempt to defeat and destroy them, whereas, but for them, thou wouldst be neither a citizen nor a man, wouldst thou call that justice, thou who claimest to be enamoured of virtue?

In a word, we must abandon the convenient metaphor of the fortress, the intangible, impregnable sanctuary, closed against the law, but outside of which the law apparently holds sovereign sway. However cunningly the boundary line between the two domains be drawn, it will still be an artificial one. Man is a unity, like the world in which he lives. The conscience and the law are two creations of the mind, not two things that pre-exist and are mutually impenetrable. Look beyond metaphors, seek the real behind the abstract and the scholastic, and you will find that law and conscience blend together, that they are determined by each other. Here we have the key of history, here we have true logic, the logic of life and reason, not that of mere dialectic.

This penetration or permeation should be maintained, favoured and realised as well as possible in existing societies.

How far and in what way can and ought the law and the conscience to determine each other? This is the practical side of the question, one which cannot be entered upon in an introductory study such as the present; for the solution

of this practical problem will necessarily vary with the extremely diversified conditions presented by existing societies.

In a general way, the relation to be established between law and conscience in any given society will depend, first, on the degree of reality, growth and vitality of each of these two principles. To maintain the progress effected on both sides, to open up the path to future progress: such is the rule to be followed.

Secondly, we must consider the conditions in which individuals and societies exist. One and the same development of individual or social life would not produce equally salutary effects in the various human communities. If the cohesion of the community is threatened, we must apply our best efforts to maintain it; if it is the dignity of the conscience that is in peril, we must endeavour to restore that dignity.

Thirdly, practical solutions will depend on the degree of harmony between individuals in the pursuit of a common ideal. For, to fathom the human conscience is not to encroach upon its autonomy when its promptings are satisfied; and, on the other hand, the law, without loss to itself, can set limits on its intervention when individuals, of themselves, are working efficaciously along the lines of the general will.

Indeed, while the principle of the relation between the conscience and the law is afforded us rather by life than by theory, *a fortiori* is this the case with the applications and adaptation of this principle to the varying conditions of existing societies. In such matters as these, which concern not only the systematic unity of our knowledge but also the moral destiny of individuals and nations, all the progress of science could not prevent the aphorism of Goethe from still being true:

Grau, teurer Freund, ist alle Theorie,
Und grün des Lebens goldner Baum.

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